

Janice Nadler

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RESEARCH & TEACHING

Criminal Law; Law & Psychology; Negotiation; Empirical Legal Studies

ACADEMIC POSITIONS

Northwestern University

2010-present Benjamin Mazur Professor of Law
2005-2010 Professor, Northwestern University School of Law
2003-2005 Associate Professor, Northwestern University School of Law
2000-2003 Assistant Professor, Northwestern University School of Law

American Bar Foundation

Since 2000 Research Professor

EDUCATION

2000 Ph.D. University of Illinois, Urbana-Champaign
Department of Psychology, Social Psychology

1989 J.D. Boalt Hall School of Law
University of California, Berkeley

1985 B.A. Cornell University

PUBLICATIONS

[Moral Character, Motive, and the Psychology of Blame](#) (with Mary-Hunter Morris McDonnell), 97
CORNELL LAW REVIEW __ (2012).

[The Language of Consent in Police Encounters](#) (with J.D. Trout), in OXFORD HANDBOOK ON
LINGUISTICS AND LAW, L. Solan, P. Tiersma, eds., Oxford University Press, (Forthcoming).

[Law, Psychology & Morality](#) (with Kenworthy Bilz), in D. Bartels, C. W. Bauman, L. Skitka, & D.
Medin (eds.) MORAL JUDGMENT AND DECISION MAKING: THE PSYCHOLOGY OF LEARNING AND
MOTIVATION, VOL. 50, pp. 101-131, Academic Press (2009).

[Eminent Domain and the Psychology of Property Rights: Proposed Use, Subjective Attachment,](#)

[and Taker Identity](#) (with Shari Seidman Diamond) 5 JOURNAL OF EMPIRICAL LEGAL STUDIES 713-749 (2008).

[Coordinating in the Shadow of the Law: Two Contextualized Tests of the Focal Point Theory of Legal Compliance](#) (with Richard McAdams) 42 LAW & SOCIETY REVIEW 865-898 (2008).

[Moral Spillovers: The Effect of Moral Mandate Violations on Deviant Behavior](#) (with Elizabeth Mullen), 44 JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY 1239-1245 (2008).

[Government Takings of Private Property](#) (with Shari Seidman Diamond and Matthew M. Patton), in PUBLIC OPINION AND CONSTITUTIONAL CONTROVERSY, N. Persily, J. Citrin & P. Egan (eds.), pp. 287-310 (Oxford University Press, 2008).

[Constructing Focal Points Through Legal Expression: An Experimental Test](#) (with Richard H. McAdams), in C. Horne & M. Lovaglia (eds.) EXPERIMENTS IN CRIMINOLOGY AND LAW: A RESEARCH REVOLUTION (Rowman & Littlefield, 2007).

Build Rapport and a Better Deal, 10 NEGOTIATION (HARVARD LAW SCHOOL PROGRAM ON NEGOTIATION) 9-11 (March 2007).

[The Law and Norms of File Sharing](#) (with Yuval Feldman), 43 SAN DIEGO LAW REVIEW 577-618 (2006).

[Appropriately Upset? Emotion Norms and Perceptions of Crime Victims](#), (with Mary Rose and Jim Clark), 30 LAW & HUMAN BEHAVIOR 203-219 (2006).

[Judgmental Biases in Conflict Resolution and How to Overcome Them](#) (with Leigh Thompson and Robert Lount), in M. Deutsch, P. Coleman & E. Marcus (Eds.), HANDBOOK OF CONFLICT RESOLUTION: THEORY AND PRACTICE, 2ND ED. 243-267 (2006).

[Negotiation, Information Technology, and the Problem of the Faceless Other](#) (with Donna Shestowsky), in L. Thompson (Ed.) NEGOTIATION THEORY AND RESEARCH 145-172 (2006).

[Flouting the Law](#), 83 TEXAS LAW REVIEW 1399-1441 (2005).

[Testing the Focal Point Theory of Legal Compliance: The Effect of Third-Party Expression in an Experimental Hawk/Dove Game](#) (with Richard McAdams), 2 JOURNAL OF EMPIRICAL LEGAL STUDIES 87-123 (2005).

[Rapport in Legal Negotiation: How Small Talk Can Facilitate Email Dealmaking](#), 9 HARVARD NEGOTIATION LAW REVIEW 223-253 (2004).

[Rapport in Negotiation and Conflict Resolution](#), 87 MARQUETTE LAW REVIEW 875-882 (2004).

[Victim Impact Testimony and the Psychology of Punishment](#) (with Mary R. Rose), 88 CORNELL LAW REVIEW 419-456 (2003).

[Learning Negotiation Skills: Four Models of Knowledge Creation and Transfer](#) (with Leigh Thompson & Leaf Van Boven), 49 *MANAGEMENT SCIENCE* 529-540 (2003).

[No Need to Shout: Bus Sweeps and the Psychology of Coercion](#), 2002 *SUPREME COURT REVIEW* 153-222 (2003).

[Schmooze or Lose: Social Friction and Lubrication in E-mail Negotiations](#) (with Michael Morris, Terri Kurtzberg, & Leigh Thompson), 6 *GROUP DYNAMICS* 89-100 (2002).

[Negotiating Via Information Technology: Theory and Application](#) (with Leigh Thompson), 58 *JOURNAL OF SOCIAL ISSUES* 109-124 (2002).

[Electronically-Mediated Dispute Resolution and E-Commerce](#), 17 *NEGOTIATION JOURNAL* 333-347 (2001).

Order Effects in Individual and Group Policy Allocations (with Irwin, J. R., Davis, J. H., Au, W. T., Zarnoth, P., Rantilla, A. & Koesterer, K.), 4 *GROUP PROCESSES AND INTERGROUP RELATIONS* 99-115 (2001).

Procedural Mechanisms and Jury Behavior, (with Tindale, R. S., Krebel, A. & Davis, J. H.) In M. Hogg & R. S. Tindale (eds.) *BLACKWELL HANDBOOK OF SOCIAL PSYCHOLOGY: GROUP PROCESSES* 574-602 (2001).

Judgmental Biases in Conflict Resolution and How to Overcome Them, (with Leigh Thompson). In M. Deutsch & P. Coleman (eds.), *HANDBOOK OF CONFLICT RESOLUTION: THEORY AND PRACTICE* 213-235 (2000).

Distributing Adventitious Resources: The Effect of Relationship and Grouping, 12 *SOCIAL JUSTICE RESEARCH* 131-147 (1999).

Some Like It Hot: The Case for the Emotional Negotiator, (with Leigh Thompson & Peter Kim). In L. Thompson, J. Levine, & D. Messick (eds.) *SHARED COGNITION IN ORGANIZATIONS: THE MANAGEMENT OF KNOWLEDGE* 139-161 (1999).

WORK IN PROGRESS

Empathy & Blame (with Mary-Hunter McDonnell)

The Robust Power of Focal Points (with Richard McAdams)

The Limits of the Influence of Moral Character on Blame

PRESENTATIONS

2011

Harm, Character, and Moral Emotion. Symposium on Adjudicating the Guilty Mind, Duke Law School

Moral Character, Motive, and the Psychology of Blame. Faculty Workshop, University of Illinois College of Law

2010

The Psychology of Blame: Criminal Liability and the Role of Moral Character. Conference on Empirical Legal Studies, Yale Law School

Moral Character and Blame. International Society for Justice Research Conference, Banff, Alberta, Canada

The Psychology of Blame. Faculty Workshop, University of Minnesota Law School

The Psychology of Blame. Faculty Workshop, Brooklyn Law School

2009

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Sixth Annual Brigham-Kanner Property Rights Conference, William & Mary Law School.

2008

Moral Spillovers: The Effect of Moral Mandate Violations on Deviant Behavior (with Elizabeth Mullen). Conference on Empirical Legal Studies, Cornell University.

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Dispute Resolution Research Center Works in Progress, Kellogg School of Management, Northwestern University.

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Law, Psychology and Economics Workshop, University of Illinois College of Law, Champaign, IL.

The Psychology of Coercion. University of Chicago Law-Philosophy Workshop.

Schmooze or Lose: How Small Talk Can Facilitate Email Negotiations. Association of American Law Schools Annual Meeting, New York, NY.

2007

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Conference on Empirical Legal Studies, NYU Law School.

Psychological Research: Understanding Responses to Law (with Shari Seidman Diamond). Law & Society Association 2007 Annual Meeting, Berlin.

2006

The Focal Point Theory of Expressive Law: A Contextualized Test. Conference on Empirical Legal Studies, University of Texas Law School.

2005

Flouting the Law. Stanford Law School Faculty Workshop.

Testing the Focal Point Theory of Legal Compliance. Journal of Empirical Legal Studies Young Empirical Scholars Conference, Cornell Law School.

Testing the Focal Point Theory of Legal Compliance. Midwest Law & Economics Association Conference,

Chicago, IL.

The Effect of Law on Perceived Consensus About File Sharing Norms (with Yuval Feldman), Law & Society Association 2005 Annual Meeting, Las Vegas.

2004

A Third Model of Legal Compliance: Testing for Expressive Effects in a Hawk/Dove Game (with Richard McAdams). International Association for Conflict Management, 17th Annual Conference, Pittsburgh.

Testing the Focal Point Theory of Legal Compliance: Third Party Expression in An Experimental Hawk/Dove Game (with Richard McAdams). Law & Society Association 2004 Annual Meeting, Chicago.

Panel: Creating a Canon of Negotiation (Andrea Schneider, Chair). Law & Society Association 2004 Annual Meeting, Chicago.

Negotiation, Information Technology, and the Problem of the Faceless Other (with Donna Shestowsky). Frontiers of Negotiation, Dispute Resolution Research Center and Northwestern University School of Law.

The Focal Point Theory of Expressive Law: An Experimental Test of Legal Compliance in a Hawk/Dove Game (with Richard McAdams). American Law & Economics Association, Fourteenth Annual Meeting, Chicago.

2003

Norms of Emotion in Victim Impact Statements. (with Mary R. Rose). Annual Meeting of the Law & Society Association, Pittsburgh.

Conducting Empirical Research in the Negotiation Classroom. Workshop on Dispute Resolution, Annual Meeting of the American Association of Law Schools Annual Conference, Washington, D.C.

2002

Expressive Law: Testing the Effects of Third-Party Recommendations on Behavior in Coordination Games. Northwestern University School of Law Faculty Workshop Series, (with Richard McAdams).

Information Technology and Negotiator Behavior. Negotiation Teaching Workshop, Dispute Resolution Research Center and Northwestern University School of Law.

Legal Negotiation and Communication Technology: How Small Talk Can Facilitate E-mail Dealmaking. Annual Meeting of the Law & Society Association. Vancouver.

Victim Impact Testimony and the Psychology of Punishment. (with Mary R. Rose). Symposium on Victims and the Death Penalty, Inside and Outside the Courtroom, Cornell University.

The Role of Victim Mental Suffering in Judgments About Criminal Punishment. Loyola University, Department of Psychology, Social Psychology Colloquium.

2001

A Test of Four Instructional Methods and Their Effectiveness in Learning Negotiation Skills. (with Leigh Thompson and Leaf Van Boven). Symposium on Managing Knowledge in Organizations: Creating, Retaining, and Transferring Knowledge. Carnegie Mellon University.

The Stability of Just World Beliefs Over Time. (with Mary R. Rose and Marc Musick) Annual Meeting of the Law & Society Association. Budapest.

2000

Information Technology and Negotiation Behavior. (with Leigh Thompson and Michael Morris) Auctions and Negotiations.com: A Conference on Electronic Exchange. Dispute Resolution Research Center, Kellogg School of Management, Northwestern University.

Consequences of Observers' Perceptions of Injustice. Yale School of Management Faculty Workshop.

1999

Moral Authority and Compliance: The Effect of Perceived Injustice on Deference to the Law. (various law schools)

Schmooze or Lose: The Effects of Rapport and Gender in Email Negotiations. (with Leigh Thompson & Michael Morris) Annual Meeting, Academy of Management. Chicago.

Getting to Know You: The Effects of Relationship-Building and Expectations on E-mail Negotiations. (with Kurtzberg, T., Morris, M., & Thompson, L.) Twelfth Conference of the International Association for Conflict Management. San Sebastian, Spain.

The Effects of Perceived Injustice on Deference to the Law. Annual Meeting of the Law & Society Association, Chicago, IL.

1998

Non-Expert Decision Maker's Reactions to Point Versus Range Estimates of Probability. (with Zarnoth, P., Rantilla, A., & Davis, J.) Poster presented at the Annual Meeting, Society for Judgment and Decision Making. Dallas.

Distributing Unexpected Resources: The Effects of Grouping, Relationship, and Self-Interest. Eleventh Annual Conference of the International Association for Conflict Management, College Park, MD.

1997

Reactive Devaluation in Conflict Resolution. Poster presented at the Annual Meeting, Midwestern Psychological Association. Chicago.

Agenda Order in Group Decisions About Embedded Public Hazards. (with Irwin, J., Davis, J., Au, W. T., Zarnoth, P. & Koesterer, K). Annual Meeting, Midwestern Psychological Association. Chicago.

Effects of Response Format on Group Decision Making. (with Au, W. T., Davis, J. H., Irwin, J. R., Koesterer, K. L., Zarnoth, P., & Rantilla, A. K). Annual Meeting, Midwestern Psychological Association. Chicago.

Procedural Mechanisms, Dread Risk, and Group and Individual Decision Making. (with Rantilla, A. K.,

Koesterer, K. L., Au, W. T., Zarnoth, P., Spurlock, D. G., & Davis, J. H.) Annual Meeting, Midwestern Psychological Association. Chicago.

1996

Emotion as Knowledge: The Case for the Emotional Negotiator. (with Thompson, L. & Kim, P.) Symposium on Shared Cognition in Organizations: The Management of Knowledge. Dispute Resolution Research Center, Kellogg School of Management, Northwestern University.

FELLOWSHIPS, RESEARCH GRANTS, AND HONORS

2006

American Bar Foundation Grant, *The Social Psychological Foundations of the Kelo Backlash*, 2006-2009

Dean's Teaching Award, Honorable Mention

2004

National Science Foundation Award, *Expressive Law in Mixed Motive Games* SES-0351530 (with Richard McAdams) 2004-2007.

2002

American Bar Foundation Grant, *Expressive Law: Testing the Effects of Third-Party Recommendations on Behavior in Coordination Games* (with Richard McAdams) 2002-2006.

Dean's Teaching Award, Honorable Mention

2001

American Bar Foundation Grant, *The Social Psychological Role of Subjective Harm in Punishment Judgments: Examining Victim Impact Evidence, Emotion, and Retribution.* (with Mary R. Rose) 2001-2005

Dispute Resolution Research Center Grant, Northwestern University, *Expressive Law: An Experimental Test of Recommended Play in a Hawk/Dove Game* (co-PI with Richard McAdams)

1998

American Bar Foundation Doctoral Fellowship (Fall 1998-Spring 2000)

1997

Dispute Resolution Research Center Grant, Northwestern University, *The Role of Learning in Negotiation* (co-PI with Leigh Thompson)

1996

University of Illinois List of Teachers Rated As Excellent by Their Students

COMMENTARY

It's Not Their Cheating Hearts (with Kenworthy Bilz), Chicago Tribune, Dec. 14, 2008, p. 55

Serving Up a Bailout, With a Side of Justice (with Kenworthy Bilz), Chicago Tribune, Oct. 3, 2008, p. 45

PROFESSIONAL SERVICE

Associate Editor: Law & Social Inquiry 2004-2005

Referee: Aspen Law & Business Publishers; Group Processes & Intergroup Relations; International Association for Conflict Management; International Negotiation; Journal of Criminal Law & Criminology; Journal of Empirical Legal Studies; Journal of Experimental Social Psychology; Journal of Legal Studies; Journal of Personality and Social Psychology; Jurimetrics; Law & Social Inquiry; National Science Foundation; Organizational Behavior & Human Decision Processes; Personality & Social Psychology Bulletin; Psychological Science; University of Chicago Press

Professional Memberships: American Bar Association; American Psychological Society; Society for Empirical Legal Studies; Society for Personality and Social Psychology; International Society for Justice Research; Law and Society Association

PROFESSIONAL LEGAL EXPERIENCE

ARBITRATION PANELIST, Circuit Court of Cook County, IL, 1996-2003

Arbitrator on three-member panel to hear and decide tort and contract cases assigned by the court to mandatory arbitration.

ASSOCIATE, Robinson, Curley & Clayton, Chicago, IL, 1992-1995

Emphasis in employment discrimination litigation and commercial litigation. Responsibilities included drafting pleadings, taking depositions, arguing motions, client counseling, conducting discovery and preparing briefs.

STAFF ATTORNEY, Legal Aid Society, Criminal Defense Division (Public Defender), New York, NY, 1989-1991

Responsible for every aspect of each client's case, from arraignment to trial. Responsibilities included motion practice, suppression hearings, bench and jury trials on misdemeanor and felony cases.

BAR ADMISSIONS

Illinois, New York